

# A N A C T

TO INCORPORATE

## THE CITY OF GALESBURG, IN KNOX COUNTY.

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### ARTICLE FIRST.

#### OF BOUNDARIES, GENERAL POWERS, AND WARDS.

SECTION 1. Be it enacted by the people of the State of Illinois, represented in General Assembly, that all the districts of country in the County of Knox and State of Illinois, consisting of the tracts of land known as the West half of the South West quarter of Section one, the South half of section two, the South half of section three, the South East quarter and East half of the South West quarter of section four, and the East half of the North West quarter and the East half of the South West quarter of section nine, the East half of section nine, sections ten and eleven, the West half of the North West quarter and the West half of the South West quarter of section twelve, the West half of the North West quarter and the West half of the South West quarter of section thirteen, sections fourteen and fifteen, the East half section sixteen, the East half of the North West quarter and the East half of the South West quarter of section sixteen, the East half of the North West quarter of section twenty-one, the North East quarter of section twenty-one, the North half of section twenty-two, the North half of twenty-three, and the West half of the North West quarter of section twenty-four in Township eleven(11) North, one (1) East, is hereby erected into a city, by the name of the City of Galesburg.

SEC. 2. The inhabitants of said city shall be a Corporation, by the name of "The City of Galesburg," and by that name shall have

perpetual succession, sue and be sued, and complain and defend in any court, may make and use a common seal, and alter and change it at pleasure, may take, hold and purchase such real, personal or mixed estate as the purposes of the corporation may require, within or without the limits of the city, and may sell, lease or dispose of the same for the benefit of said City.

SEC. 3. The City of Galesburg shall divide into six wards, the boundaries of which shall be as follows: The territory bounded on the North by the centerline of Main Street, on the south by the centerline of South Street, on the east by the center line of Seminary Street, on the west by the center line of West Street, shall be called the *First Ward*.

The territory bounded on the north by the center line of North Street, on the south by the First Ward, on the east by the center line of Seminary Street, on the west by the center line of West Street, shall be called the *Second Ward*.

The territory bounded on the west by the center line of West Street, and by the same line extended to the northern limits of the city, on the south by the center line of North Street and the same extended to the eastern limits of the city, and bounded on the north and east by the City limits, shall be called the *Third Ward*.

The territory bounded on the north by the Third Ward, on the west by the center line of Seminary Street, and the same being extended to the southern limits of the city, and on the east and south by the City limits, shall be called the *Fourth Ward*.

The territory bounded on the east by the Fourth Ward, on the north by the center line of South Street, and the same line extended to the Western limits of the city, and on the south and West by the City limits, shall be called the *Fifth Ward*.

The Territory bounded on the south by the Fifth Ward, on the east by the First, Second, and Third Wards, on the north and west by the City limits, shall be called the *Sixth Ward*.

The boundaries of the said Wards may be, by the City Council, changed from time to time. The City Council may create additional Wards as occasion may require, and fix the boundaries thereof.

## ARTICLE SECOND.

### OFFICERS—THEIR ELECTION AND APPOINTMENT.

SECTION 1. The Municipal Government of the City shall consist of a City Council; to be composed of the Mayor and one Alderman from each Ward. The other officers of the Corporation shall be as follows: A City Clerk, a City Marshal, a City Treasurer, a City Attorney, a City Assessor, and a City Street Commissioner, a City Surveyor and Engineer, who in addition to the duties prescribed by this Act, shall perform such other duties as may be prescribed by ordinance. There shall be such other officers, servants, and agents, as may be provided by ordinance, to be appointed by the City

Council, and to perform such duties *as may be prescribed by the ordinance.*

**SEC. 2.** All Officers to be elected or appointed under this Act, except Aldermen and such as are otherwise provided for hereby, shall hold their offices one year and until the election or appointment and qualification of their successors respectively; all other officers mentioned in this Act, and not otherwise provided for, shall be appointed by the City Council by ballot, on the Second Monday of April of each year, or so soon thereafter as may be, but the City Council, may specially authorize the appointment of Watchmen and Policemen by the Mayor, to continue in office during the pleasure of the City Council: *Provided* the Mayor and City Marshal may be authorized to remove them from office for good cause. All officers elected to fill vacancies, except where especially provided for, shall hold for the unexpired term only, and when appointed to fill vacancies, until the next general election, and until the election or appointment and qualification of their successors.

**SEC. 3.** The several Wards of the City shall be represented in the City Council by one Alderman from each ward, who shall be *a bona fide* resident thereof. The Aldermen shall hold their offices for two years from and after their election, and until the election and qualification of their successors. But the Aldermen elected in the First, Third, and Fifth Wards at the first election held under this Act, shall hold their offices for one year, and till their successors are qualified only. But at the annual election in April, 1858, there shall be elected Aldermen for the First, Third, and Fifth Wards, who shall hold their office for two years from the time of their election.

**SEC. 4.** If from any cause, there shall not be a quorum of Aldermen, the clerk shall appoint the time and place for holding a special election to supply such vacancies, and to appoint Judges thereto, if necessary. If any Alderman shall remove from the Ward represented by him, his office shall thereby become vacant. If there should be a failure by the people to elect any officer herein required to be elected, the City Council shall forthwith order a new election.

**SEC. 5.** Any officer elected or appointed to any office may be removed from such office by a vote of two-thirds of all Aldermen authorized to be elected. But no officer shall be removed, except for good cause, nor unless first furnished with the charges against him, and heard in his defense. And the City Council shall have power to compel the attendance of witnesses and the production of papers when necessary for the purpose of such trial, and shall proceed within ten days to hear and determine upon the merits of the case: And if such officer shall neglect to appear and answer to such charges, then the City Council may declare the office vacant. *Provided* this Section shall not be deemed to apply to any officer appointed by the City Council. Such officer may be removed at any time by a vote of two-thirds, as aforesaid in their discretion,

but any officer may be suspended until the disposition of the charges preferred.

SEC. 6. Whenever any vacancy shall occur in the office of Mayor or Alderman, such vacancy shall be filled by a new election, and the City Council shall order such special elections within ten days after the happening of such vacancy. Any vacancy occurring in any other office may be filled by appointment of the City Council, but no special election shall be held to fill vacancies if more than nine months of the time has expired.

SEC. 7. All citizens of the United States, qualified to vote at any election held under this Act, shall be qualified to hold any office created by this Act.

SEC. 8. When two or more candidates for any elective office shall have an equal number of votes for such office, the election shall be determined by the casting of Lots, in the presence of the City Council.

### ARTICLE THIRD.

#### OF ELECTIONS.

SECTION 1. A General Election shall be held in each Ward of the City on the first Monday of April next. The time in said day and the place of such elections in each Ward shall be determined by the Trustees of the town of Galesburg, who shall give six days notice thereof, posted in one public place in every Ward; and they shall also appoint three Inspectors of election for each Ward. In case the said Trustees should fail to appoint the time and place of such elections, and the inspectors thereof, the qualified electors in each Ward may assemble at any place in such Ward and appoint Inspectors from the voters present. At such election shall be chosen a Mayor and one Alderman in each Ward, the Alderman to be voted for only by the residents of the Ward for which he is elected to represent; a City Clerk, a City Marshal, a City Treasurer, a City Asssesor, and a City Street Commissioner; and at the same time and place the voters of said City shall elect a Justice of the Peace, as the voters of the distict of country included within the corporate limits of the town of Galesburg, are authorized to do by the Charter of said town, which authority is in no wise changed by this Act, only that such Justice shall be elected by the voters of the city instead of the town of Galesburg, upon each and every first Monday in April, thereafter, there shall be held a general election for all the officers required to be elected at such times by this Act, or the ordinance of the City.

SEC. 2. The manner of conducting and voting at the elections held under this Act, and contesting the same—the keeping the poll-lists, canvassing the votes, and certifying the returns, shall be the same as nearly as may be as is now, or may be hereafter provided

by law at general State elections, *provided* the City Council shall have power to regulate elections and appointments of Judges thereof. The voting shall be by ballot, and the Judges of the election shall take the same oath and shall have the same powers and authority as the Judges of general elections. After the closing of the polls the ballots shall be counted in the manner provided by law, and the returns shall be returned sealed, to the City Clerk within two days after the election, and thereupon the City Council shall meet and canvass the same, and declare the result of the election. The persons having the highest number of votes for any office, shall be declared elected. It shall be the duty of the City Clerk to notify all persons elected, or appointed to office, of their elections or appointments, and unless such persons shall qualify within twenty days thereafter, the office shall become vacant. At the first election held on the first Monday of April next, the returns shall be made to the Clerk of the Board of Trustees of the town of Galesburg, and the President and Trustees thereof, shall meet and canvass the same, and declare the result of the election.

SEC. 3. No person shall be entitled to vote at any election under this Act, who is not entitled to vote at State elections, and who has not been a resident of said city at least six months, next preceding said election: he shall have been moreover an actual resident of the Ward in which he proposes to vote for ten days previous to such election, and if required by any judge or qualified voter, shall take the following oath before he is permitted to vote: "I swear (or affirm) that I am of the age of twenty-one years, that I am a citizen of the United States, or was a resident of this State at the time of the adoption of the Constitution, and have been a resident of this City six months, and a resident of the State one year immediately preceding this election, and am now and have been for the last ten days past, a resident of this Ward, and have not voted at this election," *provided* that the voter shall be deemed a resident of the Ward in which he is accustomed to lodge.

## ARTICLE FOURTH.

### POWERS AND DUTIES OF OFFICERS.

SECTION 1. Every person chosen or appointed to an Executive, Judicial, or Administrative office under this Act, shall before he enters upon the duties of his office take and subscribe the oath of office prescribed in the Constitution of this State, and file the same duly certified by the officer before whom it was taken, with the City Clerk.

SEC. 2. The Mayor shall preside over the meetings of the City Council, and shall take care that the laws of this State and the ordinances of this city are duly enforced, respected, and observed within this city, and that all other officers of the city discharge their respective duties, and he shall cause negligence and positive

violation of duty to be prosecuted and punished; he shall from time to time give the City Council such information, and recommend such measures as he may deem advantageous to the city.

SEC. 3. He is hereby authorized to call on any and all white male inhabitants of the city or county over the age of eighteen years to aid in the enforcing the laws of the State or ordinances of the city, and in case of riot, to call out the militia to aid in suppressing the same or carrying into effect any law or ordinance, and any person who shall not obey such call, shall forfeit to said city a fine of not less than five dollars.

SEC. 4. He shall have power whenever he may deem it necessary, to require of any of the officers of the city an exhibit of all his books and papers, and he shall have power to execute all acts that may be required of him by this Act or any ordinance made in pursuance thereof.

SEC. 5. He shall receive such salary as may be fixed by ordinance.

SEC. 6. All ordinances and resolutions shall before they take effect be placed in the office of the City Clerk, and if the Mayor approve thereof, he shall sign the same, and such as he shall not approve he shall return to the City Council with his objections thereto; upon the return of any ordinance or resolution by the Mayor, the vote by which the same was passed shall be reconsidered, and if after such reconsideration, a majority of all the members elected to the City Council shall agree by the "ayes and noes" which shall be entered upon the journal to pass the same, it shall go into effect, and if the Mayor shall neglect to approve or object to any such proceedings for a longer period than three days after the same shall be placed in the Clerk's office as aforesaid, the same shall go into effect. He shall ex-officio have power to administer any oath required by this Act, to be taken, or any law of the State, to take depositions, acknowledgments of deeds, mortgages, and all other instruments of writing, and certify the same under the seal of the City, which shall be good and valid in law.

SEC. 7. In case of vacancy in the office of Mayor or of his being unable to perform the duties of his office by reason of temporary or continued absence or sickness, the City Council shall appoint one of its members by ballot to preside over their meetings, whose official designation shall be Acting Mayor, and the Alderman so appointed, shall be vested with full powers, and perform all the duties of Mayor until the Mayor shall assume his office, or the vacancy shall be filled by a new election.

SEC. 8. The members of the City Council shall be "ex-officio" fire-wardens and conservators of the peace within the city, and shall be exempt from jury duty during their time of office...

SEC. 9. The Clerk shall hold his office for three years, he shall keep the corporate seal and all papers and books belonging to the

city, he shall attend all meetings of the City Council, and keep a full record of their proceedings on the journals, and copies of all papers duly filed in his office, and transcripts from the journals of the proceedings of the City Council certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced, he shall likewise draw all warrants on the treasury, and countersign the same, and keep an accurate account thereof in a book provided for that purpose, he shall also keep an accurate account of all receipts and expenditures in such a manner as the City Council shall direct, and he shall have power to administer any oath required to be taken by this Act.

SEC. 10. It shall be the duty of the City Attorney to perform all professional services incident to his office, and when required to furnish written opinions upon questions and subjects submitted to him by the Mayor or the City Council or its committees.

SEC. 11. The City Treasurer shall collect all taxes and assessments which may be levied by the City Council, he shall receive all monies belonging to the city, and shall keep an accurate account of all receipts and expenditures, in such a manner as the City Council shall direct, all monies shall be drawn from the treasury, in pursuance of an order from the City Council, by a treasury warrant signed by the Mayor or the presiding officer of the City Council and countersigned by the City Clerk. The Treasurer shall exhibit to the City Council at least twenty days before the annual election of each year, and oftener if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury, which shall be filed in the office of the Clerk.

SEC. 12. The City Marshal shall hold his office for one year, and he shall not be eligible to said office for more than three years in succession, and shall perform such duties as shall be prescribed by the City Council, for the preservation of the public peace, the collection of licence monies, fines, or otherwise, he shall possess the powers and authority of a constable at common law, and under the statutes of the State, and shall receive like fees, but shall not serve civil process without first entering into bond as such constable to be approved by the City Council payable to said city, as in other cases, he shall execute and return all process issued by any proper officer under this Act, or any ordinance in pursuance thereof.

SEC. 13. The City Engineer or Surveyor shall have the sole power under the discretion and control of the City Council to survey within the city limits, and he shall be governed by such rules and ordinances, and receive such fees and emoluments for his services as the City Council shall direct and prescribe, he shall possess the same powers in making plats and surveys within the city, as is given by law to county surveyors, and the like effect and validity shall be given to his acts, and to all plats and surveys made by him, as are

or may be given by law to the acts or plats and surveys of the county surveyor; he shall when required, superintend the construction of all public work ordered by the city, make out the plans and estimates, and contract for the execution of the same, he shall perform all surveying and engineering ordered by the City Council, shall under their direction establish the grades and boundaries of streets and alleys, but such plans, estimates and contracts, grades and boundaries shall be first reported to the City Council, and approved by them or they shall not be valid.

SEC. 14. The Assessor shall perform all duties in relation to the assessing of property for the purpose of levying the taxes imposed by the City Council, in the performance of his duties he shall have the same powers as are, or may be given, by law to county or town assessors, and be subject to the same liabilities, on completing the assessment lists and having revised and corrected the same, he shall sign and return them to the City Council.

SEC. 15. The Street Commissioner shall superintend all local improvements in the city, and carry into effect all orders of the City Council in relation thereto. It shall be his duty to superintend and supervise the opening of streets and alleys, and the grading, improving, and opening thereof, and the construction and repairing of bridges, culverts, and sewers, to order the laying and relaying and repairing of sidewalks, to give notice to the owners of property adjoining such sidewalks when required, and upon the failure of any person to comply with such notice, to cause the same to be laid or relaid, or repaired, and apportion the cost thereof, among the persons or lots properly chargeable therewith, and deliver the account thereof to the City Clerk, to be laid before the City Council, to make plans and estimates of any work ordered in relation to streets and alleys, culverts or sewers, to keep full and accurate accounts in appropriate books of all appropriations made for work pertaining to his office, and of all disbursements thereof, specifying to whom made, and on what account, and he shall render monthly accounts thereof to the City Council.

SEC. 16. The City Council shall have power from time to time to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers elected or appointed to any office under this Act, whose duties are not herein specified, and fix their compensation, they may also require all officers severally, before they enter upon the duties of their respective offices, to execute a bond to the city of Galesburg in such sum and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over and deliver all monies and other property received by them, which bond, with the approval of the City Council certified thereon by the Clerk, shall be filed in his office, and remain for the benefit of any person aggrieved by the official act of the officer.

**SEC. 17.** If any person having been an officer of said city shall not within ten days after notification and request, deliver to his successor in office all the property, books, papers; and effects of every description in his possession belonging to said city, or appertaining to his said office, he shall forfeit and pay for the use of the city, Fifty Dollars, besides all damages and costs caused by his refusal or neglect so to deliver. And such successor may recover possession of the books, papers, and effects belonging to his office, in the manner prescribed by the laws of the State.

**SEC. 18.** All officers elected or appointed under this act, shall be commissioned by warrant under the corporate seal, signed by the Mayor or presiding officer of the city Council, and Clerk.

## ARTICLE FIFTH.

### OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL, ITS GENERAL POWERS AND DUTIES.

**SEC. 1.** The Mayor and Aldermen shall constitute the city Council. They shall meet and organize the first Thursday after their election, and shall meet at such times and places thereafter as they shall determine. The Mayor when present shall preside at all meetings of the city Council, and shall have only a casting vote. In his absence any one of the Alderman may be appointed to preside. A majority of the persons elected shall constitute a quorum.

**SEC. 2.** The city Council shall hold twelve stated meetings, one in each month during the year, and the Mayor or any two Aldermen may call special meetings of the Council, served personally or left at their usual places of abode. Petitions and remonstrances may be presented to the city Council ; and they shall determine the rule of their own proceeding, and be the judges of the election and the qualification of their own members, and shall have power to compel the attendance of absent members.

**SEC. 3.** The city Council shall have control of the finances and of the property, real and personal, and mixed, belonging to the corporation ; and shall likewise have power within the jurisdiction of the city by ordinance.

*First,* To borrow money on the credit of the city, and issue bonds of the city therefor. But no bonds shall be issued having more than five years to run ; and there shall never be outstanding bonds to a greater amount than two per cent. of the last assessed value of the real and personal property of the city. It shall be the duty of the Council to provide, either by taxation or the issue of bonds, for the payment of all claims against the city, as rapidly as such claims fall due. All orders on the Treasury shall be made payable on demand. No appropriations shall be made for any public building or other improvement out of the general fund of the

city, except in such cases as when the city Council shall not have authority to provide for the same by special taxation, levied on the property benefitted thereby, or where the city Council shall, by resolution, declare that it will be unjust and inequitable, that the property in the vicinity shall bear the expense of such improvement, and that such improvement is required by the general interest of the city; and no appropriation shall be made for any public improvement until the expense of such improvement shall be estimated by the proper officers, and unless it shall be found by such estimates, and a statement of the estimated cost of all other public works in progress, and other probable expenses of the city, that all such works can be completed within due time by the ordinary surplus revenue of the city, and the issue of such bonds as the Council is by law authorized to issue.

*Second,* To appropriate money and to provide for the payment of the debts and expenses of the city.

*Third,* To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce them within the city, and within five miles thereof.

*Fourth,* To make regulations to secure the general health and comfort of the inhabitants; to prevent, abate and remove nuisances, and punish the authors thereof by penalties, fines and imprisonment; to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

*Fifth,* To provide the city with water; to make, regulate, and establish public wells, pumps and cisterns, lay drains, hydrants and reservoirs in the streets within the city, or beyond the limits thereof, for the extinguishment of fire, and the convenience of the inhabitants, and to prevent the unnecessary waste of water.

*Sixth,* To have the exclusive control and power over the streets, alleys and highways of the city, and to abate and remove any encroachments or obstructions thereon, to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean, or otherwise improve the same, to put drains or sewers therein, and prevent the incumbering thereof in any manner, and protect the same from any encroachment or injury.

*Seventh,* To establish, erect, construct, regulate and keep in repair bridges, culverts and sewers, sidewalks and crossways, and to regulate the construction and use of the same; and to abate any obstructions or encroachments thereof; to establish, alter, change and straighten the channels of water courses and natural drains; to sewer the same, or to wall them up and cover them over; and to prevent, regulate, and control the filling up, altering or changing the channels thereof by private persons.

*Eighth,* To provide for the lighting of the streets, and erecting

lamp-posts and lamps therein, and regulate the lighting thereof ; and from time to time create, alter or extend lamp districts; to exclusively regulate, direct and control the laying and repairing of gas pipes and gas fixtures in the streets, alleys and sidewalks.

*Ninth,* To establish market and market houses, and other public buildings of the city, and provide for the government and regulation thereof, and the erection and location thereof, and to authorize their erection in the streets and avenues of the city, and the continuation of such as are already erected within the same.

*Tenth,* To provide for the inclosing, regulating and improving all public grounds and cemeteries belonging to the city ; and to direct and regulate the planting and preserving of ornamental and shade trees in the streets and public grounds.

*Eleventh,* To erect and establish one or more hospitals or dispensaries, and control and regulate the same.

*Twelfth,* To prevent the incumbering of the streets, alleys and sidewalks, or public grounds, with carriages, wagons, carts, wheel-barrows, boxes, lumber, timber, firewood, posts, awnings, signs, or any other substance or material whatever ; to compel all persons to keep the snow, ice, dust and other rubbish from the sidewalk and street-gutters in front of the premises occupied by them.

*Thirteenth,* To license, tax and regulate merchants, commission merchants, and all venders, dealers and traders in any goods, wares, merchandise, groceries or liquids, alcoholic liquors excepted, only thereafter provided, and inn-keepers, brokers and money brokers, insurance brokers, and auctioneers, and to impose duties upon the sale of goods at auction ; to license, tax and regulate, suppress and prohibit hawkers, peddlers, pawn brokers, grocery keepers, and keepers of ordinaries, theatrical or other exhibitions, shows and amusements ; provided, however, they may regulate, tax and license the keeping thereof, if a majority of the voters of the city, at the first city election authorize them to do so, in the same manner as is provided to determine about the sale of intoxicating liquors.

14th, To license, tax, regulate and suppress hackmen, draymen, omnibus-drivers, porters, and all others pursuing like occupations, with or without vehicles, and to prescribe their compensation ; and to regulate and restrain runners for cars, stages, and public houses.

15th, To prohibit and suppress billiard tables, pin alleys and ball alleys ; to suppress and restrain disorderly houses, tippling shops and groceries, bawdy houses, gaming and gambling houses, lotteries and all other fraudulent devices and practices ; all playing of cards, dice and games of chance, with or without betting, and to authorize the destruction of all instruments and devices used for the purposes of gambling.

16th. To authorize the proper officer of the city to grant and issue licenses, and to direct the manner of issuing and registering

thereof, and the fees and charges to be paid therefor. No license shall be granted for more than one year, and no license shall be granted for more (less) than thirty days, except with power reserved to the city Council to revoke such license at pleasure. The city Council shall have power to regulate, license, tax, prohibit and punish the sale of intoxicating, alcoholic or malt liquors, wine, cider, beer, soda-water or all and any drinks whatsoever. Provided, however, the said city Council shall have power to authorize the sale of intoxicating liquors, except for mechanical, medicinal or religious purposes, unless the voters of said city shall at their first election, to be held as hereinbefore provided, authorize by a majority of the votes then given, the common Council to authorize the sale; and it is hereby provided, that at the said election, the poll-books there used shall be provided with two columns, in one of which shall be set forth the number of votes in favor of authorizing the said Council to exercise, in their discretion, the power of licensing the sale of intoxicating drinks; and in the other shall be set forth the number of votes against authorizing the said Council to grant such license as above provided; and if it shall appear that a majority of the votes polled are in favor of authorizing the common Council to grant, licenses, in their discretion as aforesaid, then the said Council shall thenceforth have as full power as though the above written proviso were not a part of this Charter; but if no such majority shall appear, then the power of the common Council shall thenceforth be restricted, as is provided in the above written proviso.

17th. To regulate and license and tax the keeping and sale, by druggists, or other persons authorized by the city Council, of alcoholic liquors for sacramental, mechanical or medicinal purposes, but to no other person, and for no other use or purpose whatsoever, except as hereinafter provided.

18th. To prevent, restrain and punish forestalling and regrating, to regulate the inspection and vending of fresh meats, poultry and vegetables; of butter, lard and other provisions, and the place and manner of selling fish, and inspecting the same.

19th. To regulate, license and prohibit butchers, to revoke their license for misconduct in the course of trade.

20th. To establish standard weights and measures, and regulate the weights and measures to be used within the city; in all cases not otherwise provided by law, to require all traders or dealers in merchandise or property of any description which is sold by measure or weight, to cause their measures and weights to be tested and sealed by the city sealer, and to be subject to his inspection; the standard of such weights and measures shall be conformable to those established by law and ordinance.

21st. To regulate and provide for the inspection and measuring of lumber, shingles, timber, posts, staves, heading, and all kinds of building material; and for the measuring of all kinds of mechanical work, and to appoint one or more inspectors or measurers.

22d. To provide for the inspection and weighing of hay, lime and stone coal, and the place and manner of selling the same; to regulate the measurement of fire-wood, charcoal and other fuel, to be sold or used within the city, and the place and manner of selling the same.

23d. To regulate the inspection of beef, pork, flour, meal and other provisions, salt, whiskey and other liquors to be sold in barrels, hogsheads and other vessels or packages; to appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees, *Provided*, that nothing herein contained shall be so construed as to require the inspection of any articles enumerated herein, which are to be shipped beyond the limits of the State, except at the request of the owner thereof, or his agent.

24th. To regulate the weight and quality of Bread to be sold or used within the city, [and] the inspection thereof.

25th. To regulate the size and quality of bricks to be sold or used within the city, and the inspection thereof.

26th. To create, establish and regulate the police of the city; to appoint watchmen and policemen, and prescribe their duties and powers.

27th. To prevent and suppress any riot, affray, noise, disturbance or disorderly assembly in any public or private place within the city.

28th. To prohibit, prevent and suppress horse-racing, immoderate riding or driving in the city, and to authorize persons immoderately riding or driving as aforesaid, to be stopped by any person; to prohibit and punish the abuse of animals; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in the streets.

29th. To restrain and punish vagrants, mendicants, street beggars and prostitutes, and provide for the arrest and punishment of persons found intoxicated in the streets or public places.

30th. To regulate, restrain or prohibit the running at large of horses, cattle, asses, mules, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the costs of proceeding and the penalty incurred; and to impose penalties on the owners thereof, for the violation of any ordinance in relation thereto; to regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

31st. To prohibit and restrain the rolling of hoops, flying of kites, or any other amusements or practices tending to annoy persons passing on the streets or side-walks, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods or (and) all other noises, performances and practices tending to the collecting of persons on the streets or side-walks, by auctioneers and others, for the purpose of business, amusement or otherwise.

32d. To abate all nuisances which may injure or effect the public health or comfort, in any manner they may deem expedient.

33d. To do all acts and make all regulations which may be necessary or expedient for the protection and promotion of health and the suppression of disease.

34th. To compel the owner of any grocery, cellar, soap or tallow chandler, or blacksmith shop, tanneries, stables, privy, sewer, or any other unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary for the health; comfort and convenience of the inhabitants.

35th. To direct the location and regulate the management and construction of brewries, tanneries, blacksmiths' shops, foundries, livery-stables and packing-houses ; to direct the location and regulate the management and construction of, and restrain, abate and prohibit within the city, and to the distance of one mile from the limits thereof, distilleries, slaughtering establishments, establishments for rendering lard, tallow, offal, and such other substances as may be rendered and all other establishments or other places where any nauseous, offensive or unwholesome business may be carried on.

36th. To regulate the burial of dead ; to establish one or more cemeteries ; to regulate the registration of births and deaths ; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians and sextons and others, for any default in the premises.

37th. To provide for the taking of an enumeration of the inhabitants of the city.

38th. To erect and establish a work-house or house of correction, make all necessary regulations therefor, and appoint all necessary keepers or assistants in such work-house, or house of correction, in which may be confined all vagrants, stragglers, idle and disorderly persons who may be committed thereto by any proper officer, and all persons sentenced by any criminal court or magistrate court, in and for the city, for any assault and battery or other misdemeanor, or breach of any ordinance of the city, punishable by imprisonment in any county jail ; and any person who shall fail or neglect to pay any fine, penalty or costs imposed by any ordinance of the city, for any misdemeanor or breach of any ordinance of the city, may, instead of being committed to the county jail of Knox county, be kept therein, subject to labor and confinement.

39th. To authorise and direct the taking up, and providing for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care.

40th. To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks and privies ; direct and regulate their construction, and cause the expenses thereof to be assessed and collected in the same manner as side-walk assessments.

41st. To direct and control the laying and construction of railroad tracks, bridges, turn-outs, and switches in the streets and alleys, and the location of depot grounds within the city; to require that railroad tracks, bridges, turn-outs, and switches shall be so constructed and laid out as to interfere as little as possible with the ordinary travel and use of the streets and alleys; and that sufficient space shall be left on either side of said tracks, for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which their track may run, and to construct and keep in repair suitable crossings at the intersections of streets and alleys, and sewers and ditches and culverts, where the city Council shall deem necessary; to direct and prohibit the use and regulate the speed of locomotive engines within the inhabited portions of the city; to prohibit and restrain railroad companies from doing storage or warehouse business, or collecting pay for storage.

42d. The city Council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations, not contrary to the constitution or laws of the United States, or of this State, for the good government, peace and order of the city, and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government or any department or office thereof; to determine what shall be nuisances, and provide for the punishment, removal and abatement of the same; to enact and enforce the observance of all such rules, ordinances and public regulations, and to punish violations of the same by fines, penalties and imprisonment in the county jail, city prison or work-house, or both, in the discretion of the court or magistrate before whom conviction may be had; but no fine or penalty shall exceed five hundred dollars, nor the imprisonment six months, for any offence, and such fine or penalty may be recovered with costs in an action of debt, in the name or for the use of the city, before any court having jurisdiction, or by presentment or indictment in the circuit court; and any person upon whom any fine or penalty is imposed, shall stand committed until the payment of the same and costs, and in a default thereof, may be imprisoned in the county jail, city prison, work-house, or required to labor on the streets, or other public works of the city, for such time and in such manner as may be provided by ordinance.

## ARTICLE SIXTH.

### OF TAXATION.

**Sec<sup>n</sup> 1.** The city Council shall have power within the city by ordinance.

1st. To levy and collect, annually, on all real and personal estate and property within the city, and all personal property of the

inhabitants thereof, made taxable by the laws of the State, for State purposes, to defray the general and contingent expense of the city, not herein otherwise provided for, which taxes shall constitute the general fund.

2d. To require every male resident of the city over the age of twenty-one years, and under fifty years, to labor three days in each year upon the streets and alleys of the city; but any person may, at his option, pay in lieu thereof, one dollar for each day required, *Provided*, the same shall be paid within ten days after notification by the street commissioner; in default of payment as aforesaid, the sum of three dollars and costs may be collected, and no set-off shall be allowed in any suit brought to collect the same.

## ARTICLE SEVENTH.

### OF ASSESSMENT FOR OPENING STREETS AND ALLEYS.

SEC. 1. The city Council shall have power upon the petition of the owners of two-thirds of the property fronting thereon, and without such petition by the unanimous vote of the city Council, to open and lay out public grounds or squares, streets, alleys and highways, or sections thereof, and to alter, widen, construct, straighten and discontinue the same. But no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent, in writing, of all persons owning land or lots adjoining said street, alley, or highway; the city Council shall cause all streets, alleys and highways, or public squares, or grounds laid out by them, to be surveyed, described and recorded in a book to be kept by the clerk, showing accurately and particularly the proposed improvements and the real estate required to be taken and the same when opened and made shall be public highways and public squares.

2. Whenever any street, alley or highway, public ground or square is proposed to be laid out, opened, altered, widened or straightened by virtue thereof, and the amount of compensation cannot be agreed upon, the city Council shall give notice of their intention to appropriate and take the land necessary for the same, to the owners thereof, by publishing said notice by two insertions in a weekly paper or six insertions in a daily paper, in the newspaper publishing the ordinances of the city, at the expiration of which time they shall appoint three disinterested freeholders, residing in the city, as commissioners to ascertain and assess the damages and recompense due the owners of said real estate respectively, and at the same time determine what persons will be benefitted by such improvement, and assess the damages and expense thereof on the real estate in the neighborhood of the improvement benefitted thereby, in proportion as nearly as may be to the benefits resulting

to each. A majority of the Councilmen authorized by law to be elected, shall be necessary to a choice of Commissioners. The Commissioners shall be sworn, faithfully and impartially to execute their duties to the best of their abilities, before entering upon their duties. They shall give at least five days personal notice of the time and place of their meeting for the purpose of viewing the premises and making their assessments, which notice shall be given only to the owners who are residents thereof and known. They shall view the premises, and in their discretion receive any legal evidence, and may, if necessary, adjourn from day to day.

3. If there should be any buildings standing in whole or in part, upon land to be taken, the Commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the actual injury to him in having such building taken from him, and secondly, the value of such building to him to remove.

4. At least five days notice shall be given to the owner, of such determination, when known, and a resident of the city, which may be given personally or in writing, left at his usual place of abode. If a non-resident, or unknown, like notice to all persons interested shall be given by one publication in the newspaper publishing the ordinances of the city. Such notice shall specify the buildings and the award of the Commissioners; it shall also require the persons interested to appear by a day to be named therein, not exceeding thirty days, or give notice of their election to the city Council, either to accept the award of the Commissioners and allow such building to be taken with the land condemned or appropriated, or of their intention to receive such building at the value set thereon by the commissioners, to remove; if the owner shall agree to remove such building, he shall have such reasonable time for that purpose as the city Council may direct.

5. If the owner refuses to take the building at its appraised value, to remove, or fail to give notice of his intention as aforesaid, within the time prescribed, the city Council shall have power to direct the sale of such building at public auction, for cash or on a credit, giving five days public notice of the sale. The proceeds of the sale shall be paid to the owner, or deposited to his use.

6. In making their assessment, the said Commissioners shall ascertain the value of the land taken and all the expenses of the improvement, and damages occasioned thereby, and then assess upon the property in the neighborhood benefitted in fair proportions, a sum sufficient to cover the whole amount thereof, which shall be paid by the owners respectively, and be a lien upon the property upon which it may be assessed and collected as other taxes are collected, by sale of the land or otherwise. The value of the land taken from any owner shall be a credit to him on the assessment against him, for his share of the improvement, and if more, the

difference shall be paid him in money before the land is taken. Said Commissioners shall particularly describe the lands and parcels on which such assessment may be made, and make a return of their proceedings and assessments to the city Council within ten days after its completion.

7. The clerk shall give ten days notice by one publication in the newspaper publishing the ordinances of the city, that such assessment has been returned, and on the day to be specified therein, will be acted upon by the city Council, unless objections are made by the same by some person interested. Objections may be heard before the city Council, and the hearing may be adjourned from day to day. The Council shall have power, in their discretion, to alter, confirm or annul the assessment, if annulled, all the proceedings shall be void; if altered or confirmed, an order shall be entered directing a warrant to issue for the collection thereof.

8. The city Council shall have power to remove the Commissioners, and from time to time appoint others in place of such as may be removed, refuse, neglect or are unable from any cause to serve.

9. The land required to be taken for the making, opening, widening, straightening or altering any street, alley or other highway or public ground, or square, shall not be appropriated until the damages awarded therefor, to any owner thereof, under this act, shall be paid or tendered to such owner, or his agent, or in case such owner or agent cannot be found in the city, deposited to his or their credit, in some place of deposit other than the hands of the Treasurer, and then, and not before, such lands may be taken and appropriated for the purpose required in making such improvements, and such streets, alleys or other highways or public ground may be made and opened.

SEC. 10. Any person interested may appeal from any final order of the city Council for opening, widening, altering or straightening any street, alley or other highway or public ground, to the police court or circuit court, after the passage of said final order, said court to determine such appeal and confirm or annul the proceedings, from which appeal no judgment or writ of error shall lie upon trial of the appeal; all questions involved in said proceedings, including the amount of damages, shall be open to investigation by affidavit or oral testimony, adduced to the court, or upon application of the city, or any party, the amount of damages may be assessed by a jury in said court, without formal pleadings, and judgment rendered accordingly. The court shall not set aside the proceedings or final order of the Council for any omission or informality without injury has resulted therefrom.

SEC. 11. When any owner known, or other person having an interest in any real estate, residing in the city or elsewhere, shall be an infant, and any proceedings shall be had under this act, the judge of the circuit court or any judge of a court of record may,

upon the application of the city Council or such infant, or his next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of his trust ; and all notices and summons required by this act, shall be served on such guardian, and the final determination of either the common Council or court in the premises, shall be conclusive on such infant, and the proceedings shall not be opened at any time thereafter.

## ARTICLE EIGHTH.

### PUBLIC IMPROVEMENTS AND ASSESSMENTS THEREFOR.

SEC. 1. The city Council shall have power, from time to time, upon the petition of the owners of two-thirds of the property fronting thereon, or without such petition by the unanimous vote of the Council, to cause any street, alley or other highway, or section thereof, to be graded, regraded, leveled, paved or planked, and keep the same in repair ; and alter and change the same ; to cause side and cross walks, main drains and sewers, and private drains, or sections thereof, to be constructed and laid, relaid, cleansed and repaired, and regulate the same ; to grade, improve, protect and ornament any public square or other public ground, now or hereafter laid out.

SEC. 2. The city Council shall have power to assess and collect off the owners of lots or real estate, or any street or other highway, or any part thereof, in the same manner as other city taxes, or in such a manner as may be prescribed by ordinance. All expenses and damages for the purpose of grading, paving or planking such street, side walk, pavement or other highway ; all owners or occupants of lots or lands in front or adjoining, or upon whose premises the city Council shall order and direct sidewalks or private drains or gutters communicating with long main drains, to be constructed, graded paved, planked, repaired, relaid or cleansed, or shall declare such lands or lot to be nuisances, and order the same to be graded, filled up and drained, or otherwise improved, shall make, grade, pave, plank, repair or relay such sidewalk, or make or cleanse such private drains, or grade, fill up, drain, or otherwise improve such lot or land, at their own cost and charges, within the time and in the manner prescribed by ordinance or otherwise. And if not done within the time and in the manner prescribed, the city Council may cause the same to be constructed, paved, planked, repaired relaid, cleansed, filled up, graded, drained or otherwise improved, and assess the expense or damage thereof by an order to be entered in their proceedings upon the lots and lands respectively, and collect the same by warrant and sale of the premises as in other cases. A suit may also be maintained against the owner of such premises for the recovery of such expenses as for money paid and laid out to his use at his request.

**SEC. 3.** In all cases where expenses may be incurred in the removal of any nuisance, the city Council may cause the same to be assessed against the real estate chargeable therewith, in the same manner as prescribed in the foregoing section. Such expenses may be likewise collected by the owner or occupant of such premises, in a suit, for money expended to his or their use, and in case the same should not be chargeable to any real estate, suit may in like manner be brought for such expenses against the author of such nuisance, if known, or any person whose duty it may be to remove or abate the same.

**SEC. 4.** The city Council shall have power to compel the owners of lots or ground fronting or adjoining any public or private alley, to keep the same clean, and if necessary, to direct the same to be paved, planked, or otherwise, and the costs thereof to be assessed and collected in the same manner as sidewalk assessments.

## ARTICLE NINTH.

### COLLECTION OF TAXES AND ASSESSMENTS.

**SEC. 1.** The annual assessment lists shall be returned by the assessor on or before the first day in August in each year, but the time may be extended by the city Council. On the return thereof the city Council shall fix a day for hearing objections thereto, and the clerk shall give one week's notice of the time and place of such hearing by one publication in the newspaper publishing the ordinances of the city, and any person feeling aggrieved by the assessment of his property may appear at the time specified and make his objections. The city Council shall have power to supply omission in said assessment lists and for the purpose of equalizing the same, to alter, add to, take from and otherwise correct and revise the same, or to refer the same back to the assessor with instructions to revise and correct the same. And the treasurer shall have power to add to and supply omissions by the assessor after the warrant shall have come into his hands.

**SEC. 2.** When the assessment lists have been corrected and revised the same shall be filed and in order conforming the same and directing the warrant to be issued for the collection thereof shall be entered by the clerk, the city Council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding the authorized percentage, and in their discretion specifying the purposes for which the same are levied and, if not for general purposes, the divisions of the city upon which the same are laid.

**SEC. 3.** All taxes and assessments, general or special, levied or assessed by the city Council under this act, or any ordinance in

pursuance thereof, shall by (be) a lien upon the real estate upon which the same may be imposed, voted or assessed for two years from and after said first day of August, and on personal estate from and after the delivery of the warrant for the collection thereof until paid, and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of taxes. Real estate shall be liable for the taxes on personal estate in case of removal. *Provided*, That in case the collection of any assessment shall be delayed by injunction or other judicial proceeding, the same shall continue a lien, unless set aside, upon the real estate for the period of two years from and after the final disposition of such injunction or other judicial proceeding.

SEC. 4. The clerk shall issue a warrant or warrants for the taxes, and rule therein separate columns in which the tax levied shall be respectively set down opposite the name of the person or such real estate subject thereto. Each column shall be headed with the name of the tax therein set down.

SEC. 5. All warrants issued for the collection of general or special taxes, and assessments, shall be signed by the mayor and clerk with the corporate seal thereto attached, and shall contain true and perfect copies of the corrected assessment lists upon which the same may be collected, and shall be delivered to the treasurer for collection by the first day of October, unless further time be given by the city Council, of which he shall give notice by publication in the newspaper publishing the city ordinances. The treasurer shall thereupon proceed to the collection of said taxes, but he shall in no case be compelled to make personal call or demand for the same. If not otherwise paid, by the first day of January following, the treasurer shall have power to collect said taxes, with interest and costs by suit in the corporate name of the city, or by distress and sale of personal property, and the treasurer shall be competent witness and the warrant to him as aforesaid, evidence on the part of said city.

SEC. 6. All taxes or assessments, general or special, shall be collected by the treasurer in the same manner and with the same power and authority as is given by law to collectors of county and State taxes, and his duty in regard to returning warrants and settling with the city, and his liabilities in case of default or misconduct shall be the same as prescribed by law. *Provided*, The city Council shall have power to prescribe the powers, duties and liabilities of the treasurer by ordinance.

SEC. 7. In case of the non-payment of any taxes or assessments levied or assessed under this act by the first day of January of each year, the premises may be sold at any time thereafter within two years. Before such sale or order shall be made by the city Council, which shall be entered at large on the Journals or Records, particularly describing the delinquent premises to be sold, and the amount of taxes for which the sale shall be made, besides the costs, which

costs need not then be ascertained, and directing sale thereby to be made by the treasurer, a certified copy of which order, under the corporate seal, signed by the mayor or presiding officer and clerk, shall be delivered to the treasurer and shall constitute the process upon which such sale shall be made.

SEC. 8. The treasurer shall then advertise such premises in the newspaper publishing the ordinances of the city, for sale, at least thirty days from and after the first publication of such notice, describing the premises by figures or otherwise, with the name of the owner, (when known,) and the several amounts of the taxes and assessments thereon and costs. Said notice shall also contain the time and place of sale, and shall be published at least four times. The proceedings for the sale of any piece of ground may be stopped at any time on the payment of taxes or assessment and interest with expense of advertising the same.

SEC. 9. All sales shall be conducted in the manner required by law, but the city Council shall have power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground, to be taken from the east side of the premises, for which any person will take the same and pay the taxes or assessments thereon, with interest and cost of sale. Duplicate certificates of sale shall be made and subscribed by the treasurer, one of which shall be delivered to the purchaser and the other filed in the office of the clerk, which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of taxes or assessments with the interest and expenses for which the same was sold, and when the time to redeem will expire. The treasurer shall be allowed the same fees for selling as are allowed by law for similar services, or his fees may be regulated by ordinance. The clerk shall keep a record of such sale, which shall be open to public inspection at all reasonable times.

SEC. 10. The right of redemption in all cases for sales for taxes or assessments shall exist to the owner, his heirs, creditors or assigns, to the same extent that it is allowed by law in cases of sales of real estate for taxes, on the payment in specie of double the amount for which the same was sold, and all taxes accruing chargeable or paid on the premises subsequent to the sale with interest, but infants, femme coverts, or lunatics shall have no other or further rights of redemption than other persons. In case of redemption the money may be paid to the purchaser or the person entitled to the same, or for him to the city clerk, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed according to law, the city Council shall upon the return of the certificate, or proof of its loss, direct a deed to be executed to the purchaser, under the corporate seal, signed by the mayor or presiding officer of the city Council, and countersigned by the clerk, conveying to such purchaser the premises so sold and unredeemed as aforesaid. An abstract of all deeds so made and delivered shall

be entered by the clerk in the book wherein tax sales are recorded. A fee of one dollar may be charged by the clerk for any deed so issued.

SEC. 11. The assignee of any tax certificate of any premises sold for taxes or assessments under authority of the city, shall be entitled to receive a deed of such premises in his own name and with the same effect as though he had been the original purchaser. *Provided*, he, or they through whom he claims, shall have paid all taxes and assessments made since said sale on said premises.

SEC. 12. If at any sale of real or personal estate for taxes or assessments no bids shall be made for any parcel of lands or any goods and chattels the same shall be struck off to the city and there-upon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales. All persons before they shall be entitled to a deed for premises sold for the non-payment of taxes shall comply with Section 4, Art. 9, of the Constitution of this State, and shall produce to the proper officer the proof thereof.

SEC. 13. All sales of lots or lands for non-payment of taxes contemplated by this act, and deeds made to purchasers or their assigns for the same, shall convey to the holder of such deed a perfect title in fee simple to said land or lot and in all suits and controversies in relation thereto any person claiming such title shall be compelled to prove only the order of the city Council, directing the sale, and the process upon which the sale was made, as provided for in Section 7, of Art. 9, of this act, and any person claiming title adversely thereto shall be permitted to defeat such title by proving that such land or lot was not subject to taxation at the time of the assessment, or that the taxes were paid, or land or lot redeemed according to the provisions of this act. But no person shall be permitted to question the title acquired by said deed without first showing that he or they or those, under whom he or they claim, have paid the full amount of taxes, costs, expenses and assessments made on the said lot or land since said sale for taxes, or that the same has been deposited with the city treasurer for the use of the one entitled to receive it.

## ARTICLE TENTH.

### FIRE DEPARTMENT.

SEC. 1. The city Council for the purpose of guarding against the calamities of fire, shall have power to prohibit the erection, placing, or repairing wooden buildings within the limits prescribed by them, without their permission, and direct and prescribe that all buildings, within the limits prescribed, shall be made and construct-

ed of fire-proof material and to prohibit the rebuilding of wooden buildings. To declare all dilapidated buildings to be nuisances and to direct the same to be repaired, removed or abated in such manner as they shall prescribe and direct. To declare all wooden buildings which they may deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisance, and to require and cause the same to be removed or abated in such manner as they shall prescribe.

2. The city Council shall have power

1st. to regulate the construction of chimneys and flues, so as to admit of chimney sweeps or other mode of cleaning, and to compel the sweeping and cleaning of chimneys.

2d. To prevent and prohibit the dangerous construction of chimneys, flues, fire-places, stove-pipes, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition when considered dangerous.

3d. To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter into all buildings and enclosures to examine and discover whether the same are in a dangerous state, and to cause such as are dangerous to be put in a safe condition.

4th. To require the inhabitants to provide as many fire-buckets and in such manner and time as they shall prescribe and to regulate the use thereof in times of fire, and to require all owners and occupants of buildings to construct and keep in repair, wells or cisterns upon their premises.

5th. To regulate and prevent the carrying on of manufactories and works dangerous in promoting and causing fires.

6th. To regulate, prevent and prohibit the use of fire-works and fire-arms.

7th. To prohibit or have the management of houses for storing of gunpowder, or direct and prohibit other and dangerous materials within the city. To regulate the keeping and conveying of the same, and the use of candles and other lights in stables and other like houses.

8th. To regulate and prescribe the manner and order the building of parapet and partition walls and of partition fences.

9th. To compel the owners or occupants of houses or other buildings to have scuttles in the roof, and stairs and ladders leading to the same.

10th. To authorize the Mayor, Fire Warden or other officers of the said city to keep away from the fire all and any suspicious persons, and to compel all officers of the city and all other persons to aid in the extinguishment of fires and in the preservation of property exposed to damage and danger thereat, and in preventing goods from being stolen.

11th. And generally to establish such regulations for the prevention and extinguishment of fires as the city Council shall deem expedient.

SEC. 3. The city Council may procure fire engines and all other apparatus used for the extinguishment of fires, and have the charge and control of the same and provide secure and fit houses and other places for keeping and preserving the same, and shall have power,

1st. To organize fire, hook, hose, axe and ladder companies.

2d. To appoint during their pleasure a competent number of able and reputable inhabitants of the city firemen to take the care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires.

3d. To prescribe the duties of firemen and to make rules and regulations for their government and to impose reasonable penalties upon them for a violation of the same, and for incapacity, neglect of duty, or misconduct, to remove them.

4th. The city Council shall have power to appoint a chief and assistant engineers of the Fire Department, and they, with the other firemen, shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires, and their powers and duties shall be prescribed and defined by the city Council.

## ARTICLE ELEVENTH.

### BOARD OF HEALTH.

SEC. 1. The Board of Health shall consist of three or more Commissioners to be appointed annually by the city Council, and the Mayor or presiding officer of the city Council shall be president of the Board and the city Clerk shall be their Clerk, and keep minutes of their proceedings.

2. It shall be the duty of health officers to visit every sick person who may be reported to them as hereinafter provided, and to report with all convenient speed their opinion of the sickness of such persons to the clerk of the Board, and to visit and inspect all houses or places in which they may suspect any person to be confined with any pestilential or infectious disease, or to contain unsound provisions or damaged, or putrid animal or vegetable matter, or other unwholesome articles, and to make report of the state of of the same with all convenient speed to the clerk of the Board.

3. All persons in the city not residents thereof who may be infected with any pestilential or infectious disorder, or all things which in the opinion of the Board shall be infected by or tainted

with pestilential matter, and ought to be removed so as not to endanger the health of the city, shall, by order of said Board, be removed to some proper place, not exceeding five miles beyond the limits of the city, to be provided by the Board at the expense of the person to be removed, if able, and the Board may order any furniture or wearing apparel to be destroyed whenever they may deem it necessary for the health of the city by making just compensation.

4. The city Council shall have power to prescribe the powers and duties of the Board of Health; and to punish by fine or imprisonment, or both, any refusal or neglect to observe the orders and regulations of the Board.

5. The Health Officers may be authorized by the city Council when the public interest requires to exercise for the time being such of the powers and perform such of the duties of marshal or street Commissioner as the city council may in their discretion direct, and shall be authorized to enter all houses and other places, private or public, at all times in the discharge of any duty under this act or any ordinance.

6. Every person practising physic in this city, who shall have a patient laboring under any malignant infections or pestilential disease shall forthwith make report thereof in writing to the clerk of the Board, and for neglect to do so shall be considered guilty of misdemeanor, and liable to a fine of fifty dollars, to be sued for and recovered with costs, in an action of debt in any court having cognizance thereof, or before a justice of the peace, for the use of said city.

## ARTICLE TWELFTH.

### MISCELLANEOUS PROVISIONS.

SEC. 1. The city Council shall, at least ten days before the annual election in each year, cause to be published in the newspaper publishing the ordinances of the city, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from which the former are derived, and the mode of disbursement, and also a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions for making and repairing streets, high-ways and bridges for the same period, together with such information as may be necessary to a full understanding of the financial concerns of the city.

2. The inhabitants of the City of Galesburg are hereby exempted from working upon any road or highway beyond the limits of the city, and from paying the tax in lieu thereof without said limits.

3. The street Commissioners shall demand the services of all persons who are required to labor on the streets and alleys of the city at such time and place and in such manner as the city Council may direct, or the street Commissioner shall deem necessary. He shall deliver, or cause to be delivered or left at the usual place of abode or business of any person so required to labor as aforesaid, a written or bantly written or printed notice, in such form as the city Council shall prescribe, which notice shall be given at least five days previous to the first day on which he or they are required to labor, requiring such person to appear at such time and place as may be designated, for the purpose of laboring upon the streets and alleys. But similar notice published for ten days in the newspaper publishing the ordinances of the city, by the street commissioner, or posted up in three of the public places of the ward or district, shall be deemed sufficient notice to require all persons to appear and labor as aforesaid. Upon the neglect of any person to appear and labor as aforesaid, or to pay the tax in lieu thereof, the collector shall collect of each person in the same manner as other taxes, the sum of three dollars, with his commission for collecting the same added thereto, or the same may be recovered by suit with costs as in other cases.

4. The city Council may provide for the payment of city attorneys' and prison-keepers' fees when they cannot be collected from the offender; but said city, or any person prosecuting in her behalf shall not, in any case, be compelled to pay or give security for costs before commencing proceedings, nor at any other time until it is ascertained they cannot be made out of the defendant.

SEC. 5. All fines, forfeitures and penalties collected for offences committed within said city shall belong to said city, and shall be paid into the treasury thereof by officers collecting the same.

SEC. 6. The water-course known as Cedar Fork, in said city, or natural branch thereto, shall not be altered, filled up, or changed, except in the manner prescribed by the city Council, and the city Council shall have power to establish and direct, and prescribe the manner of altering, changing, straightening, and to wall, fill up, culvert or sewer the same.

SEC. 7. The city Council shall have power to cause the lots and blocks of the city to be surveyed, platted and numbered in consecutive numbers from one upwards, and to designate and number all fractional or other lots or blocks in such manner as they may prescribe by ordinance, and such plat, designation and numbers, when made and duly recorded, shall be a good and valid description of said blocks, lots, or fractional block, and to establish, mark, and declare the boundaries and names of streets and alleys. To require that all additions hereafter made to said city, or all lands adjoining or within the same, laid out into blocks or lots, shall be so laid out and platted to correspond and conform to the regular blocks, streets, and alleys already laid out and established within the city.

SEC. 8. The street commissioner, in addition to the penalties prescribed by ordinance, shall for willful neglect of duty, be liable to indictment and fine.

SEC. 9. Neither the city Council nor Mayor shall remit any fine or penalty imposed for any violation of any of the laws or ordinances of said city, or release from confinement, unless two-thirds of all the Aldermen elected shall vote for such release or remission, nor shall any thing in this act be so construed as to oust any court of jurisdiction to abate and remove any nuisance within its jurisdiction by indictment or otherwise.

SEC. 10. No vote of the city Council shall be considered or rescinded at a special meeting unless the meeting be called in whole or in part for that purpose, and the Aldermen be so notified, and unless at such special meeting there be present as large a number of Aldermen as was present when the vote was taken.

SEC. 11. The cemetery lots, which may be laid out and sold by the city, or private persons for private places of burial, shall with the appurtenances, forever be exempt from execution and attachment.

SEC. 12. Every ordinance, regulation and by-law imposing any penalty, fine, imprisonment or forfeiture for violation of its provisions, shall after its passage thereof be published three days where there is a daily paper published in said city, otherwise once in a weekly paper. *Provided,* The proof of such publication shall not be necessary, unless it is desired under oath, and such publication may be dispensed with entirely in cases of emergency by the unanimous vote of the Council, and proof of such publication by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the Clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation or by-law in all courts and places.

SEC. 13. All actions brought to recover any penalty or forfeiture incurred under this act, or any ordinance, by-law or police regulation made in pursuance thereof, may be brought in the corporate name. It shall be lawful to declare generally in debt for such penalty, fine, or forfeiture, state the clause of this act or the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it, or the defendant may be tried by presentment in the court of Common Pleas.

SEC. 14. In all prosecutions for any violation of any ordinance, by-law or other regulation, the first process shall be a summons, unless oath or affirmation be made for warrants as in other cases, and the Council may provide for issuing the warrant in the instance without oath.

SEC. 15. The city Council shall have power to designate one or more justices of the peace or police magistrates in said city, who shall have jurisdiction in any actions for the recovery of any fine, penalty or forfeiture under this act, or any ordinance, by-law or police regulation, any thing in the laws of this State to the contrary notwithstanding. Such justice shall have power to impose fines and penalties not exceeding the amount authorized by the Constitution of this State.

SEC. 16. Execution may issue immediately on rendition of judgment, and the same execution shall require that if the defendant has no goods and chattels, or real estate within the county of Knox, whereof the judgment can be collected, that the defendant be arrested and confined in the county jail, or work-houses, or city prison, for a term not exceeding six months, as the Council by ordinance may determine, and all persons who shall be committed under this section shall be confined one day for each one dollar of such judgment and costs, all expenses incurred in the prosecution for the recovery for any fine, penalty or forfeiture when collected and paid into the city Treasury.

SEC. 17. Any person who shall destroy or injure any bridge, or any public building, or any other property belonging to the city, or shall cause or procure the same to be injured, shall be subject to a penalty not exceeding five hundred dollars for such offense, and may be imprisoned not exceeding six months, in the discretion of the court, before whom such conviction may be had, and such person shall also be liable in a civil action at the suit of the city, or any person injured thereby, for the damages occasioned by such injury or destruction.

SEC. 18. No person shall be an incompetent judge, justice, witness or juror by reason of being an inhabitant or freeholder in said City of Galesburg, in any action or proceeding in which the said city may be a party in interest.

SEC. 19. All ordinances, regulations and resolutions now in force in the town of Galesburg, and not inconsistent with this act, shall remain in force under this act, until altered, modified or repealed by the city Council, after this shall take effect.

SEC. 20. All rights, actions, fines, penalties and forfeitures, in suit or otherwise, which have accrued, shall be invested in and prosecuted by the corporation hereby created.

SEC. 21. All property, real or personal, or mixed, belonging to the town of Galesburg, is hereby vested in the corporation created by this act, and the officers of said corporation, now in office, shall respectively continue in the same until superceded in conformity to the provisions hereof, but shall be governed by this act, which shall take effect from and after its passage and publication in Galesburg.

SEC. 22. All ordinances of the city, when printed and published

by authority of the city council, shall be received in all courts and places without further proof thereof, which shall not be required until denied under oath.

SEC. 23. The style of all ordinances shall be, Be it ordained by the city Council of the City of Galesburg.

SEC. 24. Any tract of land adjoining said city, which may be laid out into blocks or lots, and duly platted according to law, and any tract of land adjoining the city, with consent of the owner shall and may be annexed to said city, and form a part thereof, and the city Council shall have power, upon petition of the owner of the property, to reduce the boundaries of the city, not exceeding one-half mile in any direction.

SEC. 25. This act shall not invalidate any legal act done by the President and Trustees of Galesburg, or by its officers, nor divest their successors under this act of any rights of property or otherwise, or liability which may have accrued to, or created by said corporation prior to the passage of this act.

SEC. 26. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinance of this city, commit for examination, and if necessary detain such persons in custody over night or the Sabbath in the watch-house or other safe place, or until they can be brought before a magistrate, and shall have and exercise such other power as conservators of the peace as the city Council may prescribe.

SEC. 27. There shall be a digest of the ordinances of the city which are of a general nature, published within one year after the passage of this act, and a like digest within every period of five years thereafter.

SEC. 28. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places, and shall take effect from and after its passage and publication in Galesburg, there being sufficient emergency in the judgment of the Legislature, to dispense with the lapse of sixty days before this act goes into effect.

SEC. 29. The act entitled, "An Act for the better government of towns and cities, and to amend the Charters thereof," approved February 27th 1854, shall be constituted a part of this Charter of the City of Galesburg, the same as if specially recited, except that there shall be allowed to said city two *Police* magistrates, and that their jurisdiction shall extend to all causes of actions at common law, or by statute, where the plaintiff's demand shall not ex-

eed five hundred dollars, and to all cases of misdemeanor committed within the city limits of said city, where indictment is not necessary to a conviction.

SAMUEL HOLMES,  
*Speaker of the House of Representatives.*

JOHN WOOD,  
*Speaker of the Senate.*

Approved February 14th, 1857.

WM. H. BISSELL.

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UNITED STATES OF AMERICA, } ss.  
STATE OF ILLINOIS. }

I, OZIAS M. HATCH, Secretary of State of the State of Illinois, do hereby certify the foregoing to be a true and correct copy of an enrolled law now in file in my office. In witness whereof, I have hereunto set my hand, and caused the great seal of State to be affixed. Done at Springfield, this 7th day of March, 1857.

O. M. HATCH, *Secretary.*

1317